

REMARKS

In the Office Action, the Examiner indicated that claims 1, 3-4, 6-11, and 13-14 are pending in the application and the Examiner rejected all claims.

Claims 1 and 11 have been amended. Support for this amendment may be found in the specification at page 8, lines 12-16 and page 12, lines 4-10.

The §112 Rejection

On page 2 of the Office Action, the Examiner rejected claim 3 under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant has cancelled claim 3 and respectfully submits that this renders the rejection of claim 3 under 35 U.S.C. §112 moot.

Claim Rejections, 35 U.S.C. §§102 and 103

On page 3 of the Office Action, the Examiner rejected claims 1, 3-4, 6-7, 11, and 13-14 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,856,804 to Ciotta. On page 8 of the Office Action, the Examiner has rejected claims 8-10 under 35 U.S.C. §103(a) as being unpatentable over Ciotta and further in view of U.S. Patent Application Publication No. 2002/0025823 to Hara.

Claim 1, as currently amended, recites an instruction device which instructs the portable device to issue a signal enabling the communication controller to operate the predetermined driver when the portable device is in the disablement mode. Ciotta contains no such teaching or suggestion. Further, claim 11 recites instructing the portable device to issue a signal enabling the

communication controller to operate the predetermined driver when the portable device is in the disablement mode. Ciotta contains no such teaching or suggestion. Accordingly, applicant submits that the present invention patentably distinguishes over Ciotta and respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1, 3-4, 6-7, 11, and 13-14 under 35 U.S.C. §102 based on Ciotta.

The addition of Hara does not render claims 8-10 obvious. Like Ciotta, Hara contains no teaching or suggestion of the claim elements described above with respect to claim 1. Since claims 8-10 directly or indirectly depend from claim 1, and neither Ciotta nor Hara disclose the above feature of the present invention of claim 1 (as amended), claims 8-10 are patentable for at least the same reasons as that claim is patentable. Accordingly, applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 8-10 under 35 U.S.C. §103 based on the combination of Ciotta and Hara.

Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 19-5425.

Respectfully submitted

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